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2006 JUL 17 A 10:40
DISTRICT COURT
DISTRICT COURT OF MASSACHUSETTS

OLIVER UDEMBA)

Plaintiff,)

v.)

CUMBERLAND FARMS, INC.)

AND EMILE C. TAYEH)

Defendant.)

CIVIL ACTION NO: 05CV 11161 RGS

RE: SUMMARY JUDGEMENT

PLAINTIFF'S EMERGENCY MOTION TO VOID OR VACATE ADVERSE RULING(S), ORDER(S) OR ACTION(S) OF THE COURT AGAINST PLAINTIFF

Now comes the plaintiff Oliver Udemba, a citizen of the United States, in the above captioned matter and respectfully requests the court to void and or vacate any adverse action(s) or order(s) or ruling(s) that may now be pending or in existence and requests further the granting of some time to look for and engage another counsel. As grounds therefore, I, as the plaintiff state as follows:

On Thursday July 13, 2006 at about 6.30 PM, at the offices of my Counsel-Of-Record, Aderonke O. Lipede, I learned for the first time that the case has been dismissed for reason(s) I do not yet understand. She called me during the day of July 13, 2006 and told me to come to her office to discuss my case, so we agreed to meet in her office at about 6 PM.

Also on Thursday, July 13, 2006, my counsel of record, Aderonke O. Lipede told me that there was a certain motion to dismiss the case which the defendants had filed with the court which she did not respond to.

My counsel of record, Aderonke O. Lipede, also told me on the same July 13, 2006, that she did not respond to the motion and as a result, that I do not have any case any more because the case was dismissed as a result of her failure to respond.

After she gave me this information on that day, I was devastated and requested her to hand over my case files to me but, she refused, saying the files were in her house. She said that she would give them back at a later date but no sooner than Thursday the following week or one week hence.

On February 6 and 7, 2006 or thereabout, I was deposed by the defendants' attorney with my counsel of record, Aderonke O. Lipede present.

After the deposition, I was informed by both the defendant's counsel and my counsel that a draft of the deposition will be made available at a later date for me to review it and make any allowable changes if necessary or desired.

My counsel of record also told me that she would commence or continue discovery and will arrange to depose the defendants and that she would let me know when.

It would appear that my counsel of record, Aderonke O. Lipede, abandoned the case and without my knowledge. I did not have the opportunity to engage another counsel because she did not inform me that she was no longer working on my case or advocating my interests. She did not inform me that some motion or any other action had been made by the defendants, additional to the deposition of me, the plaintiff.

I will suffer irreparable harm and justice will not be served if the court does not void or vacate any adverse action, order or ruling against me and grant my motion and also grant me some time to find and engage another counsel who is capable and willing to advocate for me.

Therefore, to preserve my due process rights, I hereby request that the court grant my request to void or vacate the adverse orders, rulings, actions or dismissal that may currently be in existence as a result of non representation by my counsel of record, Aderonke O. Lipede. Furthermore, I request that the court grant my request to be given some ample amount of time to look for and engage another counsel to represent me in this case.

Plaintiff,



Oliver Udemba

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Dated: July 14, 2006